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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL ROBOT  
ANTITRUST LITIGATION

Lead Case No: 3:21-CV-03825-AMO-LB

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**PLAINTIFFS' STATEMENT  
OF RECENT DECISION**

Judge: Hon. Araceli Martínez-Olguín

1 Pursuant to Local Civil Rule 7-3(d), Plaintiffs Larkin Community Hospital, Franciscan  
 2 Alliance, Inc., and King County Public Hospital District No. 1 DBA Valley Medical Center  
 3 (collectively, “Plaintiffs”) respectfully submit the attached recently-issued Opinion and Order,  
 4 *Lambrix v. Tesla, Inc.*, No. 3:23-cv-01145, --- WL --- (N.D. Cal. June 17, 2024),<sup>1</sup> in connection  
 5 with Defendant Intuitive Surgical Inc.’s pending motion for reconsideration of this Court’s  
 6 decision on the parties’ cross-motions for summary judgment (Dkt. 261).

7 Local Civil Rule 7-3(d)(2) provides that, “[b]efore the noticed hearing date, counsel may  
 8 bring to the Court’s attention a relevant judicial opinion published after the date the opposition or  
 9 reply was filed.” L. Civ. R. 7-3(d)(2). The *Lambrix* court’s new ruling is “a relevant judicial  
 10 opinion” because it squarely addresses Intuitive’s argument in support of its motion for  
 11 reconsideration of this Court’s grant of partial summary judgment in Plaintiffs’ favor. *Compare*  
 12 *Lambrix* Op. at 12-14 (holding that the four *Epic Games* factors required to establish lock-in  
 13 “only apply to cases in which defendants do not have market power in the foremarket” and that  
 14 because plaintiffs alleged defendant had market power in the foremarket, “these factors do not  
 15 apply”); *with* Dkt. 261 at 2-3 (arguing that the four *Epic Games* factors apply even if the  
 16 defendant possesses market power in the foremarket); *see also* Dkt. 261 at 7, 10 (arguing that an  
 17 earlier decision in *Lambrix* supports this proposition). Accordingly, Plaintiffs respectfully submit  
 18 the *Lambrix* court’s recent decision, attached hereto as Exhibit A, pursuant to Local Civil Rule 7-  
 19 3(d)(2).

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27 <sup>1</sup> Because, at the time of filing, the decision has yet to be published on an electronic database such  
 28 as Westlaw, Plaintiffs refer to this decision as the “*Lambrix Op.*” and use the pagination of the  
 attached PDF.

1 Dated: June 18, 2024

Respectfully submitted,

2 /s/Manuel J. Dominguez

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